

RECEIVED JUN 12 2020

2255 Motion

RECEIVED JUN 12 2020

**Motion to Vacate, Set Aside, or Correct a Sentence  
By a Person in Federal Custody**

(Motion Under 28 U.S.C. § 2255)

**Instructions**

1. To use this form, you must be a person who is serving a sentence under a judgment against you in a federal court. You are asking for relief from the conviction or the sentence. This form is your motion for relief.
2. You must file the form in the United States district court that entered the judgment that you are challenging. If you want to challenge a federal judgment that imposed a sentence to be served in the future, you should file the motion in the federal court that entered that judgment.
3. Make sure the form is typed or neatly written.
4. You must tell the truth and sign the form. If you make a false statement of a material fact, you may be prosecuted for perjury.
5. Answer all the questions. You do not need to cite law. You may submit additional pages if necessary. If you do not fill out the form properly, you will be asked to submit additional or correct information. If you want to submit a brief or arguments, you must submit them in a separate memorandum.
6. If you cannot pay for the costs of this motion (such as costs for an attorney or transcripts), you may ask to proceed *in forma pauperis* (as a poor person). To do that, you must fill out the last page of this form. Also, you must submit a certificate signed by an officer at the institution where you are confined showing the amount of money that the institution is holding for you.
7. In this motion, you may challenge the judgment entered by only one court. If you want to challenge a judgment entered by a different judge or division (either in the same district or in a different district), you must file a separate motion.
8. When you have completed the form, send the original and   1   copies to the Clerk of the United States District Court at this address:

Clerk, United States District Court for the Northern District of Iowa  
111 7th Avenue SE, Box 12  
Cedar Rapids, IA 52401

If you want a file-stamped copy of the petition, you must enclose an additional copy of the petition and ask the court to file-stamp it and return it to you.

9. **CAUTION:** You must include in this motion all the grounds for relief from the conviction or sentence that you challenge. And you must state the facts that support each ground. If you fail to set forth all the grounds in this motion, you may be barred from presenting additional grounds at a later date.
10. **CAPITAL CASES:** If you are under a sentence of death, you are entitled to the assistance of counsel and should request the appointment of counsel.

## MOTION UNDER 28 U.S.C. § 2255 TO VACATE, SET ASIDE, OR CORRECT

SENTENCE BY A PERSON IN FEDERAL CUSTODY

20-cv-62-LRR-MAR

|   |   |
|---|---|
| United States District Court <u>Northern</u> District <u>of Iowa</u>  |   |
| Name (under which you were convicted):<br><u>Michael Bordman</u>      | Docket or Case No.: <u>CR-16-81-LRR</u>                               |
| Place of Confinement:<br><u>United States Penitentiary Tucson, AZ</u> | Prisoner No.: <u>16830-029</u>  |
| UNITED STATES OF AMERICA  | Movant (include name under which convicted)<br><u>Michael Bordman</u> |

## MOTION

1. (a) Name and location of court which entered the judgment of conviction you are challenging:  
United States District Court For the Northern District of Iowa  
Cedar Rapids

(b) Criminal docket or case number (if you know): 1:16-cr-81-LRR

2. (a) Date of the judgment of conviction (if you know): December 22, 2016

(b) Date of sentencing: June 12, 2017

3. Length of sentence: 600 Months

4. Nature of crime (all counts):

18 U.S.C. § 2251(a)(e) - Sexual Exploitation

18 USC § 2252A (a)(5)(B) + (b)(2) - Possession of Child Pornography

5. (a) What was your plea? (Check one)

(1) Not guilty ☐

(2) Guilty ☒

(3) Nolo contendere (no contest) ☐

(b) If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or what did you plead guilty to and what did you plead not guilty to?

6. If you went to trial, what kind of trial did you have? (Check one)

Jury ☐

Judge only ☒

7. Did you testify at a pretrial hearing, trial, or post-trial hearing?

Yes ☒

No ☐

8. Did you appeal from the judgment of conviction?

Yes ☒

No ☐

9. If you did appeal, answer the following:

- (a) Name of court: United States Court of Appeals For the Eighth Circuit  
 (b) Docket or case number (if you know): 17-2395  
 (c) Result: Affirmed  
 (d) Date of result (if you know): July 17, 2017 Rehear August 23, 2018  
 (e) Citation to the case (if you know): \_\_\_\_\_  
 (f) Grounds raised: Procedural Error at Sentencing  
Substantively Unreasonable Sentence  
Restitution Error  
Special conditions of supervised release on "pornography" and  
"pornographic material" and "protection" versus and overbroad

(g) Did you file a petition for certiorari in the United States Supreme Court?

Yes



No



If "Yes," answer the following:

(1) Docket or case number (if you know): 18-6758

(2) Result: Denied

(3) Date of result (if you know): April 29, 2019

(4) Citation to the case (if you know): \_\_\_\_\_

(5) Grounds raised:

Same on Appeal

10. Other than the direct appeals listed above, have you previously filed any other motions, petitions, or applications, concerning this judgment of conviction in any court?

Yes ☐

No ☒

11. If your answer to Question 10 was "Yes," give the following information:

(a) (1) Name of court: \_\_\_\_\_

(2) Docket or case number (if you know): \_\_\_\_\_

(3) Date of filing (if you know): \_\_\_\_\_

N/A

(4) Nature of the proceeding: \_\_\_\_\_

(5) Grounds raised: \_\_\_\_\_

N/A

(6) Did you receive a hearing where evidence was given on your motion, petition, or application?

Yes ☐No ☐

(7) Result: \_\_\_\_\_

(8) Date of result (if you know): \_\_\_\_\_

(b) If you filed any second motion, petition, or application, give the same information:

(1) Name of court: \_\_\_\_\_

(2) Docket of case number (if you know): \_\_\_\_\_

(3) Date of filing (if you know): \_\_\_\_\_

(4) Nature of the proceeding: \_\_\_\_\_

(5) Grounds raised: \_\_\_\_\_

N/A

(6) Did you receive a hearing where evidence was given on your motion, petition, or application?

Yes ☐No ☐

(7) Result: \_\_\_\_\_

(8) Date of result (if you know): \_\_\_\_\_

(c) Did you appeal to a federal appellate court having jurisdiction over the action taken on your motion, petition, or application?

(1) First petition:

Yes ☐No ☒

(2) Second petition:

Yes ☐No ☒

(d) If you did not appeal from the action on any motion, petition, or application, explain briefly why you did not: \_\_\_\_\_

12. For this motion, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

**GROUND ONE:** Lawyer Failed to ensure competent advice and information before telling me to plead to unspecified facts.

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):  
 MR. Bordman's lawyer allowed him to admit to sexual exploitation that occurred "elsewhere" and not inside the territorial jurisdiction of the District of Iowa. This does not protect MR. Bordman from and in fact could expose him to extra-territorial charges from "elsewhere". The plea stated there were "sexually explicit depictions" without defining which pictures he was actually pleading to. Neither was the term sexually explicit defined as violating any specific law. MR. Bordman's Attorney allowed him to plead to information unrelated to the counts of conviction. Stipulating facts to distributing and receiving pictures from "elsewhere" does not protect MR. Bordman from being prosecuted by "elsewhere".

Continued on page 5(a)

**(b) Direct Appeal of Ground One:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐

No ☒

(2) If you did not raise this issue in your direct appeal, explain why:

IAC Appeals Counsel

**(c) Post-Conviction Proceedings:**

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐

No ☒

(2) If you answer to Question (c)(1) is "Yes," state:

Type of motion or petition: \_\_\_\_\_

Name and location of the court where the motion or petition was filed: \_\_\_\_\_

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐

No ☐

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐

No ☐

(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?

Yes ☐

No ☐



★ Continued From Page 5 ★

By allowing Mr. Bordman to plead to possessing additional, all unnamed/identified images from "elsewhere" Mr. Bordman's attorney has exposed Mr. Bordman to numerous other crimes that the U.S. Attorney has no jurisdiction to indict. By allowing a plea to charges not encompassed in Counts 1+4, Mr. Bordman is now exposed to numerous "elsewhere" prosecutions for these crimes. By allowing Mr. Bordman to plead to "some" depictions and not specifying any specific number or identity of images does not protect Mr. Bordman's Due Process or Double Jeopardy Rights. Mr. Bordman's

★ Continued on page 5(b) -

★ Continued From page 5(a) ★

Attorney Failed to prepare enough information in a preparation for a trial so that Mr. Bordman could make an informed decision of whether there could be a trial strategy or if accepting an open plea was the most informed option. No independent verification of alleged facts was made, no investigation, no 'defensive' action was done by counsel. Absent the minimum knowledge of which images he was actually pleading to and which were in the territorial jurisdiction of the court. Based on the record as it lies, there is not enough specific information

★ Continued on Page 5(c) ★



\* Continued From page 5(b)

to have made a knowing and or voluntary plea. This is purely incompetent and unprofessional behavior by counsel. Had Mr. Borden been properly informed, he would have chosen to not plead to "open-ended" facts exposing him to future prosecutions from "elsewhere". Because Mr. Borden's Attorney did not work to protect his rights, the entire process is void in ab initio as the U.S. Attorney acted outside her territorial jurisdiction and left an incomplete and non-specific crime. Mr. Borden would have chosen changing a trial.

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order if available):

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue:

**GROUND TWO:** The indictment was overly vague and did not protect against Double Jeopardy nor survive scrutiny.

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

The Suppreeding Indictment lacked specificity to provide notice to MR. Boardman as to which alleged images he had to defend, where the alleged crime occurred (Iowa or elsewhere), how many images he could be prosecuted for, any legal description of facts that criminalize the content of an image, no accused evidence of original images and not copies as the exploitation only occurs in the original as there is no "purpose to create copies of" provision in 18 USC 2251. \*Continued on page 6(a)\*

(b) Direct Appeal of Ground Two:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐

No ☒

(2) If you did not raise this issue in your direct appeal, explain why:

(c) Post-Conviction Proceedings:

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐

No ☒



~~★~~ Continued From page 6 ~~★~~

The only visual depiction that any minor can engage in sexual activity for is the original image created of that activity. Any duplicate image is not the actual image any minor was used to create. The Government never even alleged which device was used to create the alleged original images. There is no accounting of the number of images or of which images (original or otherwise) violated the statute. This Count was lacking all necessary information to be a valid indictment. Counsel was ineffective for failing to challenge this invalid indictment and instead recommended

~~★~~ Continued on Page 6(b) ~~★~~

★ Continued From page 6(c) ★

his client plead guilty to incomplete information which offered no protections from Double Jeopardy nor offered enough information to mount any defense. Although reciting the statute can be sufficient, to survive Due Process, there must be specific information. Here Borman either used or attempted to use or both, a minor to engage in sexually explicit conduct, whatever that conduct is alleged to be is not specified, for the purpose of producing visual depictions, how many is unknown, are they the unaltered originals, were they produced or was this just his purpose, "

★ Continued on page 6(c) ★



★ Continued From page 6(b) ★

which depictions did he have the purpose of producing, no specificity, is the conduct of the minor in these unknown, unnamed, depictions, if produced, is the conduct sexually explicit or is it attempted to be sexually explicit, there is nothing in the indictment to answer this. Did Boardman actually cause or attempt to cause or actually produce any depictions, were they produced or only attempted to be produced using materials that had been shipped and transported, what is the material, did the Government have this original material where did this material originate

★ Continued on Page 6(d) ★

\* Continued From page 6 (c) \*

did Bordman ship or cause to be shipped this unnamed material, is he prosecuted for both shipping or causing to be shipped, what part of the crime did he get indicted for and what part did he plead to? this

is a defective indictment. A First year

law student would recognize this. Counsel

was blatantly ineffective and did not

protect his client from double jeopardy.

Just on its face, Mr. Bordman could be indicted

"elsewhere" of the District and be found guilty

of producing images unnamed as the

\* Continued on 6(e) \*



# Continued From page 6(d) #

plea stipulates, The U.S. Attorney not this Court can prevent any "elsewhere" jurisdiction from choices to indict, prosecute and punish Mr. Bordman. Under the terminology of the indicted counts, this could not be a legally knowing and voluntary plea as any attorney would have advised against an infinite plea. Mr. Bordman would not plead guilty with the knowledge of probable future prosecutions.

(2) If you answer to Question (c)(1) is "Yes," state:

Type of motion or petition: \_\_\_\_\_

Name and location of the court where the motion or petition was filed: \_\_\_\_\_

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐ No ☐

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐ No ☐

(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?

Yes ☐ No ☐

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed: \_\_\_\_\_

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue: \_\_\_\_\_

**GROUND THREE:** Although Challenged on Appeal, The Ineffectiveness  
Of Counsel at Sentencing and appeal was not appealed

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

Sentencing and Appeals Counsel were categorically ineffective in their failure to do minimal research to the CDC and discover the published scientific facts of the effects of childhood abuse, especially the extreme nature



notwe of abuse of the Defendant. The court opined as it could that there is no evidence of cause and effect. However, if either Counsel had obtained the publicly available CDC or APA studies, the result would be...  
 \* Continued on page 8(a) \*

## (b) Direct Appeal of Ground Three:

- (1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☒ No ☐

IAC in Presentation

- (2) If you did not raise this issue in your direct appeal, explain why:

## (c) Post-Conviction Proceedings:

- (1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐ No ☒

- (2) If your answer to Question (c)(1) is "Yes," state:

Type of motion or petition: \_\_\_\_\_

Name and location of the court where the motion or petition was filed: \_\_\_\_\_

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

- (3) Did you receive a hearing on your motion, petition, or application?

Yes ☐ No ☐

- (4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐ No ☐

- (5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?

Yes ☐ No ☐

- (6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed: \_\_\_\_\_

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

★ Continued From Page 8 ★

different as the court would have tangible evidence to verify counsel's belief. Absent this empirical information, the court was forced to rely upon its own judgment, as is jurisprudence. An evidentiary hearing is necessary as the CDC and American Psychology Psychiatric Association has a plethora of data which is empirical, showing a direct relation to abused becoming abusers without adequate counseling after abuse. Being an Honorable Court, the judge would have clearly factored in the high success of counseling on the

★ Continued on page 8(b) ★

★ Continued From page 8(a) ★

recovery and recidivism rates of offenders, as proven, and with such empirical data, this Court being equitable, would honestly have factored in to the 3553(a) criterion.

There can be ~~no~~ doubt that if this Court possessed the infutable data from the CDC and APPA as counsel(s) were required as advocates for the defense, to provide to the Court, this Court would alter its decision on sentence. This Court was not required to locate this, the onus is on counsel. Counsel(s) were ineffective.



- (7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue:

N/A

**GROUND FOUR:** As written, this motion only empowers the sentencing Court to vacate, set aside or correct a sentence and not convictions.

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

Congress never expanded the meaning of the word sentence. Courts are limited to the statutory declared limitations decided by Congress. Section 2255 limits the Court's remedial powers to vacate, set aside, or correct the sentence. The Court has no statutory jurisdiction to reverse a conviction under 28 USC 2255. Section 2255 does not offer an adequate or effective remedy by statute to challenge pleas, indictments, statutes or other non sentencing related issues. Mr. Bordenman is prejudiced because he is "forced" to utilize 2255 to litigate these issues which are in excess of the ...

*\* Continued on page 9 (a) \**

**(b) Direct Appeal of Ground Four:**

- (1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐

No ☐

- (2) If you did not raise this issue in your direct appeal, explain why:

**(c) Post-Conviction Proceedings:**

- (1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐

No ☐

- (2) If you answer to Question (c)(1) is "Yes," state:

Type of motion or petition: \_\_\_\_\_

Name and location of the court where the motion or petition was filed: \_\_\_\_\_

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_



RECEIVED JUN 12 2020

\* Continued From Page 9 \*

Court's limited statutory subject-matter jurisdiction to offer remedy. This Court must declare that it lacks jurisdiction to answer any non-sentencing issues and order that 2255 does not offer adequate or effective remedy to overturn a plea, reverse a conviction, or challenge a statute of conviction.

## Ground Five

Claim : 18 U.S.C. § 2251, as written, is a State Crime of sexual activity of minors in state and is not a Commerce crime.

Argument : A comity of Courts agree that § 2251 does not require an image of child pornography to be produced. Section 2251 criminalizes the use etc... of any minor engaging in sexual activity, if the purpose of this sexual activity is for the purpose of producing any visual depiction. Within the subject-matter of 2251, no person must actually produce any visual depiction by the language employed. Absent the requirement of the actual producing of any visual depiction, 2255 is an incomplete commerce crime. For Congress to regulate Commerce...

★ Continued on page 10 (6) ★

a) IAC

b) N/A



\* Continued From Page 10 \*

There must actually be a Commerce item to regulate. Using a minor engaged in sexual activity in the State is not an item of commerce. Unlike the proposed HR 1761 (May 2017) where Congress was going to add "produces or causes to be produced" to the statute, the current § 2251 does not even require such production to occur. Obviously Congress is aware of this. Until such time as Congress, as attempted in 2017, amends the Statute to actually require production to occur, § 2251 is currently outside the Constitutional Powers of Commerce to regulate. Even the notes

\* Continued on Page 10(b) \*

\* Continued From page 10(a) \*

of Congress surrounding HR1761 admit this fact. One of the Congressmen declare that 2251 unconstitutionally infringes on the state's jurisdiction. Even the publication notes declare that the visual depictions, if created, are only a byproduct of sexual abuse. Absent a statutory element of actual production, this is only a thought crime. Even if an actual image is produced, such production is not found in the statutory language. The jurisdictional hooks cannot save the lack of subject-matter. The first "hook" is the same crime as attempted

\* Continued on Page 10(c) \*



\* Continued From page 10(b) \*  
trafficking of child pornography. The "hook" has  
no relationship to whether any minor is  
used for sexual activity as required by the  
statute. The "hook" only deals with the image  
that only exists as a "purpose to produce"  
and that images interstate affect. Nowhere  
is using a minor engaged in sexual activity  
itself an interstate crime, nor does this  
activity of a minor affect commerce. The  
second "hook" is defunct on its face. By  
attempting to regulate the use of a minor  
engaged in sexual activity because a camera,  
for example, has been shipped in or

\* Continued From Page 10(d) \*

into-state commerce. Marijuana is not regulated because of the Miralegro<sup>®</sup> or the plastic pot used to produce it. Marijuana is regulated because of the marijuana's commerce effect. Not the commerce effect of the Miralegro<sup>®</sup> used to produce it. The absurd attempt of outreach by Congress to regulate a physical crime because an interstate shipped object was used is the same as regulating car accidents because of the car used or Drunk Driving because the alcohol used or assault and battery because of the golf club used. This is a facially invalid "hook" as it has zero

\* Continued on Page 11(e) \*



★ Continued From Page 10(d) ★

to do with the interstate market of any actual images or if those images are of the use of a minor engaging in sexual activity and if that actual image might itself affect interstate commerce. The third "hook" is again the lesser included charge of trafficking of an already existing image, which is not the same as using a minor engaging in sexual activity.

Had counsel(s) researched the text of the statute, the Congressional history, the attempted amending of 2251 by H.R. 1761, any competent lawyer could/would discover these facts and

★ Continued on Page 10(f) ★  
-10(e)-



\* Continued From page 10(c) \*

any professional attorney would have filed motions to dismiss these counts for lack of Congressional power. Such a successful challenge would have prevented Mr. Berman from pleading to any violations of § 2251.

## Ground Six

Claim : The language of Counts 2-6, based upon the all encompassing language of each Count are facially multiplicitious of each other.

Argument : None of the Counts identify any specific location or images, the temporal dates are similar to be covered "in or about" each other. The Counts all happened "elsewhere". Without specificity, all the Counts refer to the same visual depictions. Any competent Attorney would have recognized this and professionally challenged the multiplicity of Indictment and surely would not allow their client to plead to possessing the same images he is said to have created.

a) IAC

b) N/A

RECEIVED JUN 12 2020

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐No ☐

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐No ☐

(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?

Yes ☐No ☐

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue:

13. Is there any ground in this motion that you have not previously presented in some federal court? If so, which ground or grounds have not been presented, and state your reasons for not presenting them:

Ground not raised due to Counsel's  
failures and ineffectiveness.

14. Do you have any motion, petition, or appeal now pending (filed and not decided yet) in any court for the you are challenging? Yes ☐ No ☒

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised.



15. Give the name and address, if known, of each attorney who represented you in the following stages of the you are challenging:

(a) At the preliminary hearing:

(b) At the arraignment and plea:

(c) At the trial:

(d) At sentencing:

(e) On appeal:

(f) In any post-conviction proceeding:

(g) On appeal from any ruling against you in a post-conviction proceeding:

16. Were you sentenced on more than one court of an indictment, or on more than one indictment, in the same court and at the same time? Yes ☐ No ☒

17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? Yes ☐ No ☒

(a) If so, give name and location of court that imposed the other sentence you will serve in the future:

(b) Give the date the other sentence was imposed:

(c) Give the length of the other sentence:

(d) Have you filed, or do you plan to file, any motion, petition, or application that challenges the judgment or sentence to be served in the future? Yes ☐ No ☐

18. TIMELINESS OF MOTION: If your judgment of conviction became final over one year ago, you must explain why the one-year statute of limitations as contained in 28 U.S.C. § 2255 does not bar your motion.\*

Mailed during Covid-19 pandemic on April 28, 2020 during Institution Health and Safety lockdown where staff is limited and law library is not accessible.

---

\* The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in 28 U.S.C. § 2255, paragraph 6, provides in part that:

A one-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of –

- (1) the date on which the judgment of conviction became final;
- (2) the date on which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, if the movant was prevented from making such a motion by such governmental action;
- (3) the date on which the right asserted was initially recognized by the Supreme Court, if that right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
- (4) the date on which the facts supporting the claim or claims presented could have been discovered through the exercise of due diligence.

Therefore, movant asks that the Court grant the following relief:

or any other relief to which movant may be entitled.

N/A  
Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this Motion under 28 U.S.C. § 2255 was placed in the prison mailing system on

6/10/2020  
(date, year)

Executed (signed) on

6/10 2020 (date)

Michael Borden  
Signature of Movant

If the person signing is not movant, state relationship to movant and explain why movant is not signing this motion.



⇔ 16830-029 ⇔  
Michael Bordman  
16830-029  
U.S Penitentiary Tucson  
P. O. Box 24550  
Tucson, AZ 85734  
United States

6/12/20  
K



Clerk, United States District Court for the Northern District of Iowa  
111 7<sup>th</sup> Avenue SE, Box 12  
Cedar Rapids, IA 52401

